

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DERVIN HEAVEN,
Petitioner,
v.
ALBERTO R. GONZALES, et al.,
Respondents.

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2:05-cv-02468-WMA-JEO

MEMORANDUM OPINION

On January 2, 2007, the court issued an order for the respondent to submit a report as to the status of the petitioner's deportation in light of the decision rendered by the United States Court of Appeals for the Fifth Circuit terminating the stay of the petitioner's removal. The respondent has now complied with that order and represents to the court that the petitioner has been transferred to Oakdale, Louisiana, for the completion of his removal.¹ Therefore, the petition is hereby **DENIED** and this action is **DISMISSED WITHOUT PREJUDICE**. Should the petitioner not be repatriated within 90 days from the date of this order, his petition will be reinstated.

The Clerk of the Court is **DIRECTED** to serve a copy of this order upon the petitioner.

DONE this the 17th day of January, 2007.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE

¹According to the respondent, the petitioner has confirmed that he will not be appealing the Fifth Circuit's decision. (Dpc. 12 at ¶ 3).